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8 UNITED STATES DISTRICT COURT
9 SOUTHERN DISTRICT OF CALIFORNIA
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11 IPS GROUP, INC.,

12 Plaintiff,

13 v.

14 DUNCAN SOLUTIONS, INC. and
15 DUNCAN PARKING TECHNOLOGIES,
16 INC.,

16 Defendants.
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Case No.: 15-cv-1526-CAB (MDD)

**ORDER ON DEFENDANTS’
MOTION TO FILE DOCUMENTS
UNDER SEAL
[Doc. No. 113]**

18 This matter is before the Court on Defendants Duncan Solutions, Inc. (“DSI”) and
19 Duncan Parking Technologies, Inc.’s (collectively “Defendants”) Motion for Leave to File
20 Documents Under Seal. [Doc. No. 113.] Defendants seek to file Exhibits 3, 6, 7, and 8,
21 filed as exhibits to Mr. Kalb’s declaration in support of Defendants’ Opposition to IPS
22 Group, Inc.’s Motion to Strike Statement of Balu Subramanya or Alternatively for Relief
23 Under Rule 56(b). Defendants argue: (1) the documents should be sealed because they
24 have been designated by either DSI or Plaintiff as confidential and (2) the documents
25 constitute a protectable trade secret because they contain sensitive business information.
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1 However, it is not obvious from the contents of Exhibits 6, 7 and 8¹ that “compelling
2 reasons” justify sealing the documents notwithstanding the “strong presumption” in favor
3 of public access. *See Kamakana v. City & Cnty. of Honolulu*, 447 F.3d 1172, 1178 (9th
4 Cir. 2006) (“A party seeking to seal a judicial record then bears the burden of overcoming
5 this strong presumption by meeting the ‘compelling reasons’ standard.”).

6 In light of the foregoing, the Court is disinclined to allow Exhibits 6, 7 and 8 sealed-
7 lodged at Docket Number 114 to be filed under seal. Accordingly, it is hereby ORDERED
8 as followed:

- 9 1. The motion to file under seal Exhibit 3 is **GRANTED**;
- 10 2. The motion to file under seal is **GRANTED temporarily** as to Exhibits 6, 7 and
11 8;
- 12 3. On or before June 8, 2017, the party² who designated Exhibits 6, 7 and 8
13 confidential shall file either (a) a memorandum not to exceed ten pages
14 explaining why the documents should be filed under seal, with citation to legal
15 authority, if any; or (b) a notice that the confidential designation is withdrawn
16 and the document(s) can be filed publicly;
- 17 4. Upon receipt of the response to this Order, the Court will determine whether to
18 order that the documents be sealed permanently, or publicly filed.

19 It is **SO ORDERED**.

20 Dated: June 1, 2017



Hon. Cathy Ann Bencivengo
United States District Judge

25 ¹ Exhibits 7 and 8 relate to agreements with City Councils that the Court presumes are publicly
26 available.

27 ² The Court suspects this was Plaintiff as the motion states these documents “contain sensitive technical
28 information that is regarded as proprietary to IPS and [are] marked as ‘Confidential – For Counsel
Only,’” but the motion itself and accompanying declaration is silent as to who designated these
documents as confidential.